

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Kenneth L. Hall

Docket No. 5:12-MJ-1718-1

Petition for Action on Probation

COMES NOW Keith W. Lawrence, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Kenneth L. Hall, who, upon an earlier plea of guilty to Driving While Impaired-Level 5, in violation of 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, was sentenced by the Honorable William A. Webb, U.S. Magistrate Judge, on March 12, 2013, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service during the first 30 days of Probation as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his privilege to do so is restored in accordance with law.
5. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
6. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

On April 24, 2013, as a result of the defendant testing positive for the use of cocaine on April 17, 2013, a Violation Report was forwarded to the court and supervision was continued.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On June 15, 2013, the defendant was charged with Assault on Female and Communicating Threats (13CR57299) in Cumberland County, North Carolina. In speaking with the defendant, he denies any guilt in the alleged offenses and advises these charges are in retaliation for telling the victim and her brother that they could no longer reside at his residence. Furthermore, the

defendant advised that he and the victim's brother were involved in an altercation after he asked them to leave his residence. The defendant admitted that he did drink a beer, but denied being intoxicated. It is worth noting that the victim waited two days after the alleged offenses to file charges against Hall.

Additionally, on June 25, 2013, the defendant was charged with Simple Assault (13CR57788). The date of offense is also June 15, 2013, but the victim waited 10 days to file charges. The alleged victim is the brother of the victim in the above-noted Assault on Female case. As the victims in these crimes are unable to be located and the defendant is denying guilt in these offenses, we would respectfully request that this matter be allowed to be resolved in state court. As a sanction for this conduct, and in an effort to deter future such conduct, we are recommending that the conditions of probation be modified to include 90 days of remote alcohol monitoring. The defendant signed a Waiver of Hearing agreeing to the proposed modifications of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 90 consecutive days. The defendant is restricted to his residence during the curfew hours.
2. The defendant shall abide by all terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for a period not to exceed 90 consecutive days. The defendant shall comply with the program procedures and shall pay all costs associated with remote alcohol monitoring services.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

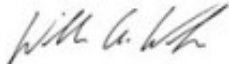
/s/ Robert K. Britt
Robert K. Britt
Senior U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Keith W. Lawrence
Keith W. Lawrence
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: June 28, 2013

ORDER OF COURT

Considered and ordered this 1st day of July, 2013, and ordered filed and made a part of the records in the above case.



William A. Webb
U.S. Magistrate Judge